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THE
NEW CHARTER
OF THE
CITY OF NEW ORLEANS.

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CHARTER
OF THE
CITY OF NEW ORLEANS
OF 1896.

ACT NO. 45

OF THE

General Assembly of the State of Louisiana,

TO INCORPORATE THE CITY OF NEW ORLEANS; PROVIDE FOR THE
GOVERNMENT AND ADMINISTRATION OF THE AFFAIRS
THEREOF; AND TO REPEAL ALL ACTS INCON-
SISTENT OR IN CONFLICT THEREWITH.

APPROVED JULY 7, 1896.

REPRINTED FROM FLYNN'S DIGEST.

NEW ORLEANS:
L. Graham & Son, Ltd., Printers, 207-211 Baronne St
1896.

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CITY CHARTER OF 1896.

AN ACT

To incorporate the city of New Orleans, provide for the government and administration of the affairs thereof; and to repeal all acts inconsistent or in conflict therewith.

Due notice having been given in accordance with Art. 48 of the Constitution, and evidence thereof submitted to the General Assembly:

Be it enacted by the General Assembly of the State of Louisiana:

1.—CITY LIMITS.

SECTION 1. That all inhabitants of the parish of Orleans, as now bounded by the following boundaries: The Mississippi river from the lower line of the United States Barracks to Upperline street, upper side of Carrollton and along the centre of Upperline street to Upperline Canal, and thence along the centre of Upperline Canal to Lake Pontchartrain, and thence along the shore of Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, to Fisherman's Canal, and thence along Fisherman's Canal to the line of the south side of Florida Walk, and thence along said line of Florida Walk to the lower line of the United States Barracks, and thence along the line of the United States Barracks to the Mississippi river, the point of departure; and the Fifth District of the city of New Orleans, situated on the right bank of the Mississippi river, and bounded by a line established by the State Engineers, beginning at a point near the river bank, opposite Ptolemy street, thence running as follows, viz.:

South, 42 deg. 30 min. ; east, 4 miles and about 1080 feet; south, 3 deg. 10 min. ; west, about 620 feet.

Thence along the back line of properties south 57 deg. east, 2143 feet $4\frac{1}{2}$ inches.

North 2 deg. 45 min. ; east, 1910 feet 7 inches.

South, 53 deg. 30 min. ; east, 5162 feet 2 inches.

North, 6 deg. 15 min. ; east, 4932 feet 7 inches to township line one mile 138 feet $9\frac{3}{4}$ inches.

South, 76 deg. ; east, 311 feet $4\frac{1}{2}$ inches to township line 445 feet 10 inches.

South, 72 deg. ; east, 947 feet $9\frac{1}{2}$ inches.

South, 65 deg. ; 30 min. ; east, 955 feet to range line 1337 feet 8 inches.

South, 83½ deg. ; east, 860 feet 6 inches.

North, 61 deg. 7 min. ; east, 524 feet 7 inches to range line 1366 feet 6 inches.

South, 81 deg. 15 min. ; east, 2368 feet 6 inches to range line 4383 feet 2 inches.

South, 61 deg. 53 min. ; east, 1½ miles and about 2770 feet 2 inches.

South, 31 deg. 35 min., east, 1½ miles and 2163 feet to line of Jeanne Lassales, and thence up the Mississippi river to the point of departure.

City of New Orleans. Are hereby created a body corporate and established as a political corporation by the name of "The City of New Orleans," with the following powers and no more:

It shall have a seal, and may sue and be sued, and may acquire property by all lawful means, and hold and dispose of same.

II.—WARDS AND MUNICIPAL DISTRICTS.

First Representative District. SEC. 2. Said city shall be divided into the following wards and municipal districts, to-wit: First Ward, First Representative District, bounded as follows, viz. : From the Mississippi river along the centre of Thalia street to the intersection of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Felicity road to the Mississippi river, and thence along the Mississippi river to the point of departure.

Second Representative District. Second Ward, Second Representative District, bounded as follows, viz. : From the Mississippi river along the centre of Julia street to the New Canal, and thence along the centre of New Canal to Carrollton avenue, and thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to the centre of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Thalia street, and thence along the centre of Thalia street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Third Representative District. Third Ward, Third Representative District, bounded as follows, viz. : From the Mississippi river along the

centre of Canal street to the old Metairie Road, thence along the centre of the old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Rampart street, and thence along the centre of Rampart street to the centre of Julia street, and thence along the centre of Julia street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Fourth Ward, Fourth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Canal street to the Old Metairie Road, thence along the centre of the Old Metairie Road to New Canal, thence along the centre of New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to Orleans Canal, thence along the centre of Orleans Canal to the Old Metairie Road, thence along the centre of Old Metairie Road to St. Louis street, thence along the centre of St. Louis street to the Mississippi river, thence to the point of departure.

Fifth Ward, Fifth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of St. Louis street to the Old Metairie Road, thence along the centre of Old Metairie Road to the centre of Orleans Canal, thence along the centre of said canal to Lake Pontchartrain, thence along Lake Shore to Bayou St. John, thence along the centre of Bayou St. John to St. Philip street, thence along the centre of St. Philip street to the Mississippi river, thence to the point of departure.

Sixth Ward, Sixth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of St. Philip street, to Bayou St. John, thence along the centre of Bayou St. John to Esplanade street, thence along the centre of Esplanade street to the Mississippi river, thence to the point of departure.

Seventh Ward, Seventh Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street, to Bayou St. John, and thence along the centre of Bayou St. John and cut-off to Lake Pontchartrain, and thence along Lake Pontchartrain to Elysian Fields street, and thence along

the centre of Elysian Fields street to the point of departure.

Eighth Representative District.

Eighth Ward.

Eighth Ward, Eighth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Elysian Fields street to Lake Pontchartrain, and thence along Lake Pontchartrain to People's avenue, and thence along the centre of People's avenue to Lafayette avenue, and thence along the centre of Lafayette avenue to the Mississippi river, and thence along the Mississippi river to the point of departure.

Ninth Representative District.

Ninth Ward.

Ninth Ward, Ninth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Lafayette avenue to the centre of People's avenue, and thence along the centre of People's avenue to Lake Pontchartrain, and thence along Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fishermen's Canal, and thence along the Fisherman's Canal to the line of the south side of Florida walk, and thence along said line of Florida walk to the lower line of the United States Barracks, and thence along the lower line of the United States Barracks to the Mississippi river, and thence along the Mississippi river to the point of departure.

Tenth Representative District.

Tenth Ward.

Tenth Ward, Tenth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Felicity road to the Melpomene Canal, and thence along the centre of the Melpomene Canal to its intersection with First street, and thence along the centre of First street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Eleventh Representative District.

Eleventh Ward

Eleventh Ward, Eleventh Representative District, bounded as follows, viz.: From the Mississippi river along the centre of First street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Toledano street, and thence along the centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Twelfth Ward, Twelfth Representative District,

bounded as follows, viz.: From the Mississippi river along the centre of Toledano street to Broad street, thence along the centre of Broad street to Napoleon avenue, and thence along the centre of Napoleon avenue to the Mississippi river, and thence along the Mississippi river to the point of departure.

Thirteenth and Fourteenth Wards, Thirteenth Representative District, bounded as follows, viz.:

Thirteenth Ward, from the Mississippi river along the centre of Napoleon avenue to Broad street, thence along the centre of Broad street to Peters avenue, thence along the centre of Peters avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Fourteenth Ward, from the Mississippi river along the centre of Peters avenue to Broad street, and thence along the centre of Broad street to Toledano street, and thence along the centre of Toledano street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Lowerline street, and thence along the centre of Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Sixteenth and Seventeenth Wards, Fourteenth Representative District, bounded as follows:

Sixteenth Ward, from the Mississippi river along the centre of Lowerline street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Carrollton avenue, thence along the centre of Carrollton avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Seventeenth Ward, from the Mississippi river along the centre of Carrollton avenue to New Canal, thence along the centre of the New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to the Upperline Canal, thence along the centre of Upperline Canal and Upperline street to Mississippi river, thence along the Mississippi river to the point of departure.

Fifteenth Ward, Fifteenth Representative District, bounded as follows, viz.: All that territory situated on

Twelfth Representative District.
Twelfth Ward.

Thirteenth Representative District.

and

Fourteenth Wards.

Fourteenth Representative District.

and

and

Seventeenth Wards.

Fifteenth Representative District.

the right bank of the Mississippi river and bounded by a line established by the State Engineer, beginning at a point near the river bank, opposite Ptolemy street, thence running as follows, viz.:

Fifteenth Ward South 42 deg. 30 min., east 4 miles and about 1080 feet.

South 3 deg. 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 feet 4 inches

North 2 deg. 45 min., east 1910 feet 7 inches.

South 53 deg. 30 min., east 5162 feet 2 inches.

North 6 deg. 15 min., east 4932 feet 7 inches to township line 1 mile 138 feet 9 $\frac{3}{4}$ in.

South 76 deg., east 311 $\frac{1}{2}$ inches to township line 445 feet 10 inches.

South 72 deg., east 947 feet 9 $\frac{1}{2}$ inches.

South 65 deg. 30 minutes, east 955 feet to range line 1337 feet 8 inches.

South 83 $\frac{1}{3}$ deg., east 860 feet 6 inches.

North 61 deg. 7 minutes, east 524 feet 7 inches to range line 1366 feet 6 inches.

South 81 deg. 15 minutes, east 2368 feet 6 inches to range line 4383 feet 7 inches.

South 61 deg. 53 minutes, east 1 $\frac{1}{4}$ miles and 277 feet 2 inches.

South 31 deg. 35 minutes, east 1 $\frac{1}{2}$ miles and 2163 feet lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure.

Council. First Municipal District, bounded as follows, viz.: From the Mississippi river, along the centre of Canal street, to the Old Metairie Road, and thence along the centre of the Old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Carrollton avenue, thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to its junction with Toledano street, and thence along the centre of Toledano street until it intersects the centre of Felicity Road at Claiborne street, and thence along the centre of Felicity Road to the Mis-

sissippi river, and thence along the Mississippi river to the point of departure, shall be entitled to four Councilmen, one of which shall be elected from the ^{Manner of Selection.} district at large, and one from each of the three wards comprising said district.

Second Municipal District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and Cut-off to Lake Pontchartrain, and thence along Lake Pontchartrain to the centre of New Canal, and thence along the centre of the New Canal to the centre of the old Metairie Road, and thence along the centre of the old Metairie Road to the centre of Canal street, and thence along the centre of Canal street to the Mississippi river, and thence along Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district. ^{Manner of Selection.}

Third Municipal District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and Cut-off to Lake Pontchartrain, and thence along the shore of Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fisherman's Canal, and thence along the Fisherman's Canal to the line of the South Side of Florida Walk, and thence along said line of Florida Walk to the lower line of the United States Barracks, and thence along the line of the United States Barracks to the Mississippi river, and thence along the line of the Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district. ^{Manner of Selection.}

Fourth Municipal District, bounded as follows, to-wit: From the Mississippi river, along the centre of Felicity Road, until it strikes the Melpomene Canal, to Claiborne street, thence along the centre of Melpomene Canal to the intersection of Toledano street, and thence

Manner of Selection. along centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district, and one from the district at large.

Fifth Municipal District to elect one Councilman. Fifth Municipal District, bounded as follows, viz.: The fifth Municipal District of the city of New Orleans is situated on the right bank of the Mississippi river, and is bounded by a line established by the State Engineer, beginning at a point near the river bank, opposite Ptolemy street, and thence running as follows, to-wit:

South 42 deg. 30 min., east 4 miles and about 1080 feet, south 3 deg. 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 feet 4 inches.

North 2 deg. 45 min., east 1910 feet 7 inches.

South 53 deg. 30 min., east 5162 feet 2 inches.

North 6 deg. 15 min., east 4932 feet 7 inches to township line, 1 mile 138 feet 9 $\frac{1}{4}$ inches.

South 76 deg., east 311 feet 4 $\frac{1}{2}$ inches to township line, 445 feet 10 inches.

South 72 deg., east 947 feet 9 $\frac{1}{2}$ inches.

South 63 deg. 30 min., east 955 feet to range line 1337 feet 8 inches.

South 83 $\frac{1}{3}$ deg., east 860 feet 6 inches.

North 81 deg. 7 min., east 524 feet 7 inches to range line 1366 feet 6 inches.

South 81 deg. 15 min., east 2368 feet 6 inches to range line 4383 feet 7 inches.

South 61 deg. 53 min., east 1 $\frac{1}{2}$ miles and 277 feet 2 inches.

South 31 deg. 35 min., east 1 $\frac{1}{2}$ miles and 2163 feet to lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure, shall be entitled to one Councilman.

Sixth Municipal District to elect two Councilmen. Sixth Municipal District, bounded as follows, viz.: From the Mississippi river, and thence along the centre of Toledano street until it strikes the Melpomene Canal tail-race, and thence along the centre of Melpomene

Canal until it strikes Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to two Councilmen.

Seventh Municipal District, bounded as follows, viz.: From the Mississippi river along the centre of Lowerline street until it intersects the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Carrollton avenue, and thence along the centre of Carrollton avenue to the centre of New Canal, and thence along the centre of New Canal to Lake Pontchartrain, and thence along Lake Pontchartrain to the Upperline Canal, and thence along the centre of Upperline Canal to Upperline street, and thence along the centre of Upperline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to one Councilman.

Seventh Municipal District to elect one Councilman.

III.—ELECTIONS.

SEC. 3. The election of officers provided for in this act shall be in pursuance of the general election laws now or hereafter existing, unless the Legislature by special act provides otherwise, in which case said elections shall be in pursuance of such special laws. Said officers shall be chosen by a plurality of the votes cast at the municipal election, and shall hold office for four years from date of election, and serve until their successors are duly elected and qualified.

SEC. 4. All legally registered voters entitled to vote for State officers shall be entitled to vote for city officers, and all elections for city officers shall be by ballot.

SEC. 5. The commissioners of election shall make returns in the manner provided by the election laws of the votes cast at each precinct or polling place for city officers. The persons appearing by the returns of the commissioners of elections at the polls to have been *prima facie* elected shall assemble at the City Hall at 12 o'clock m. on the Monday next after the election. The Mayor or president of the preceding Council, shall cause the returns to be added up in the presence of any and all persons who choose to be present in the room where the

Term of Officers.

Qualification of electors.

To organize.

Mayor or president of preceding council to preside and administer oath to persons *prima facie* elected.

Council assemble, and he shall make or cause to be made by the clerk a roll of all the newly-elected Councilmen, without excluding any who are *prima facie* elected, and shall preside until a new president is chosen, and shall administer to such persons the oath of office. As soon as the new Council is organized and a president elected, it shall immediately proceed to compile the votes for Mayor and other city officers elected at the same time, and proclaim the result of the popular vote. The Council shall be incompetent to proceed to any other business, except the election of president, as hereinabove provided, until this shall be done. The president so elected shall at once proceed to administer the oath of office to the Mayor and other officers, and no commission from the Governor, or other title shall be necessary.

Contested elections. SEC. 6. The election of city officers, except Councilmen, may be contested in the same manner as is now or may be hereafter provided for contesting the election of parochial officers.

Oath of office. SEC. 7. The Mayor and other officers elected or appointed by virtue of this act shall, before they enter upon the duties of their offices, take and subscribe to the oath prescribed by Art. 149 of the Constitution, and also the further oath that they possess the qualifications for their respective offices prescribed by this act.

Mayor or other officer to hold over. SEC. 8. If at any time the election of the Mayor or other officer of this corporation shall be annulled or set aside for any cause whatsoever, the incumbent of the office shall nevertheless continue to fulfil its duties until a successor shall have been duly elected or appointed and qualified as required by law.

IV.—LEGISLATIVE DEPARTMENT.

Councilmen, how elected, and qualifications necessary. SEC. 9. The legislative power of said corporation shall be vested in a Council composed of seventeen members, elected by the voters of the respective wards or districts which they are to represent, and no councilman shall be qualified to fill a position unless he is an actual resident of the ward or district for at least one year preceding the

election, and they shall be elected at the same time as the Mayor and other officers; they must be citizens of this State and of the United States and residents of the city of New Orleans five years preceding their election, and shall be at least twenty-five years of age, and shall never have been convicted of any crime.

SEC. 10. The members of Council shall receive twenty dollars each for attendance at each regular monthly meeting of said body; provided, that such members shall have attended all called or special meetings held during such month.

SEC. 11. The Council shall elect from its members a president, who shall receive an annual salary of two thousand dollars, and shall be *ex-officio* chairman of the finance committee thereof; also a clerk, at a salary not exceeding one thousand eight hundred dollars per annum, and a sergeant-at-arms at a salary of nine hundred dollars per annum. The president shall have a casting vote in case of a tie.

Organization
of council.
President of
council.
Salary and
duties of.
Clerk,
salary of.
Sergeant-at-
arms,
Salary of.

SEC. 12. The Council shall be exclusively the judges of the elections, qualifications and return of its members, and may expel one of its members by a two-thirds vote of all the members elected to such Council, five days' notice and an opportunity of being heard in his defence having been previously given said member; but no member shall twice be tried for the same cause. Council exclusively judges of the qualification and election of its members.
May expel one of its members by a vote of two-thirds of all members.

SEC. 13. The Council by resolution may, during the session thereof, punish by arrest and imprisonment any person who is guilty of disrespect, disorderly or contemptuous behavior in presence of the Council in session; and the Council or any committee thereof may summon witnesses and compel their attendance by attachment and administer oath by the president or chairman, compel witnesses to testify and to produce books and papers, and may punish them by imprisonment or fine for failure to attend or refusal to testify or produce books and papers, but no such imprisonment shall exceed ten days for each offence; provided, that any person so sworn who shall wilfully and falsely testify before said Council, or any committee thereof, shall be

guilty of perjury and be subject to the penalty provided by law.

SEC. 14. The Council shall have power and it shall be their duty to pass such ordinances, and to see to their faithful execution, as may be necessary and proper:

Peace and order. (1). To preserve the peace and good order of the city.

Cleanliness and health. (2). To maintain its cleanliness and health, and to this end; (a) to adopt and provide an efficient system of drainage; (b) to provide for the inspection and cleanliness of all vaults, privies, yards, pools, markets,

Council to maintain and cemeteries; (c) to regulate the location of and inspection provide for the inspection and cleansing of dairies, stables, cattle yards, landings places where food and drinks are sold. factories, depositories for hides, and all places of business likely to be or become detrimental to health, and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises.

To suppress nuisances. The Common Council shall provide for the frequent inspection of all premises by persons to be designated, either by the Common Council or by the Board of Health in the city; they shall also prescribe what water supply shall be provided by the owners of private premises and that all premises, yards, streets and alleys shall be kept in a cleanly condition; shall provide for the punishment of any violation of such ordinances or regulation, by fine or imprisonment, or both; and all such fines, when recovered, shall be paid over to the Board of Health, to assist in its maintenance; (d) to suppress all nuisances; (e) to prevent the sale of adulterated or decayed food, and punish the same; to punish the sale of adulterated drinks.

To open and keep free from obstruction, streets, squares, wharves, etc. (3). to open and keep open and free from obstructions all streets, public squares, wharves, landings, lake shore and river and canal banks.

Repairs of streets, bridges, canals and ditches. (4). To keep the streets and crossings and bridges and canals and ditches clean and in repair

(5). To adequately provide for the maintenance of ^{To maintain police and fire department} an efficient police force and fire department.

(6). To light the streets, wharves, landings and public ^{Lighting.} squares.

(7). To organize and maintain free public schools. ^{Public schools.}

(8). To maintain levees, dikes, and to protect the city ^{Levees and drainage.} from overflow, and to provide for the drainage thereof.

SEC. 15. The Council shall also have power:

(1). To order the ditching, filling, opening, widen- ^{Streets.} ing and paving of the public streets, and to regulate the grade thereof.

(2). To regulate the public cemeteries, to order the ^{Cemeteries.} manner of conducting the same and to order the closing of same.

(3). To compel the owners of any lot or lots to fill ^{To order the filling of lots.} the same to a grade above the grades of the streets and to construct drains or gutters.

(4). To improve and embellish the public squares ^{To improve public parks.} and parks and places.

(5). To construct and maintain wharves and land- ^{Wharves and Landings.} ings, and to erect sheds and buildings therein to protect merchandise in transit and to prescribe and collect such charges, wharfage and levee dues as will pay for the construction and maintenance, lighting and policing same and no more, so as to make the port of New Orleans as near a free port as possible. The Council shall have power.

(6). To compel the owners of property or tenants to ^{Sidewalks.} keep their sidewalks in front of such property clean and in repair.

(7). To prevent explosive and dangerous substances ^{To provide for the storing and removal of combustibles.} from being stored or kept in dangerous quantities in the city, to designate the places where such dangerous articles may be stored and to regulate the manner of hauling and keeping explosive substances.

(8). To determine within what limit wooden build- ^{Fire limits.} ings shall not be erected and to prevent the reconstruction in wood of old buildings within such limits.

(9). To regulate the safety, height and thickness ^{Buildings, construction of.} of the walls and structures.

Animals, to prevent the roving of. (10). To determine what animals shall not be permitted to rove in the limits of the city, and to cause them to be killed or to be confined and sold, when found to be roaming at large.

Places of amusement, to regulate. (11). To regulate the police of theatres, public balls, dance houses, concert saloons, taverns, hotels, houses of public entertainment, shops for retailing alcoholic liquors, houses of prostitution and assignation and to close such houses from certain limits, and shall have power to exclude the same, and to close houses and places for the sale of intoxicating liquors when the public safety may require it, and to authorize the Mayor and police to close such places.

Gambling. (12). To close all gambling houses and to expel from the city, and to imprison all bunco men, lottery men, common cheats and swindlers, beggars and dangerous and suspicious characters.

Railroads, To authorize and to provide regulations. (13). Have the power to authorize the use of the streets for railroads operated by horse, electric, steam or other motive power, and to regulate the same; to require and compel all lines of railway or tramway in any one street to run on and use one and the same track and turntable, to compel them to keep conductors on their cars and compel all such companies to keep in repair the street bridges and crossings through or over which their cars run.

Batture. (14). To lay off and sell in lots or squares so much of the batture from time to time as may be required for public purposes, but the right of accretion or to future batture shall never be sold.

Public institutions. (15). To establish jails, houses of refuge, reformation and correction and make regulations for their government, and to exercise general police power in the city of New Orleans.

Ordinances, Providing how same shall be adopted. SEC. 16. No ordinance or resolution shall pass the Council at the same session at which it is first offered, but every ordinance or resolution shall, at its first offering be read in full and shall lie over at least one week before being finally considered by the Council.

SEC. 17. The Council shall meet on the first Tuesday evening of every month, and as much oftener as they shall determine to be necessary. All meetings for organization, and canvassing and compiling and proclaiming the result of an election shall be held in day-light. The Council shall sit with open doors, and no resolution or ordinance, except resolutions for investigation and for the conduct of parliamentary business, shall have force of law, unless it receive the votes of a majority of the members elected to said Council, and unless on its final passage the ayes and nays are called and recorded.

Council,
Meetings of.

Open sessions.

Majority of
council elect-
ed necessary
for adoptions
of ordinances
and resolu-
tions.

SEC. 18. The Council shall organize the departments of Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Public Buildings, City Engineer and City Attorney, regulate the number of clerks and other persons to be employed therein, and fix the salaries of such clerks and employees. The heads of such departments shall have the right to appoint, by and with the consent of the Council, the chief deputy or clerk in such department, and may discharge same at pleasure; the fact of such discharge and the cause thereof shall be communicated to the Council at its first meeting thereafter.

Organization
of depart-
ments.Chief clerk or
deputy, how
appointed
and how re-
moved.

SEC. 19. The Council shall fix the compensation of every officer of the city, or of the State, whose services are by law to be paid by the city of New Orleans, except such whose salaries are hereby fixed in this act, and regulate the number and compensation of all persons on the pay roll of the city of New Orleans.

Compensation
of employees.

SEC. 20. It shall not be lawful for the Council to increase the salary or compensation of any officer during the term for which such officer has been elected by allowing him any fees for the performance of any duty imposed on him by this act or by the Council; provided, the Council may abolish such office.

Salaries of
officers.
Increase of,
prohibited.

SEC. 21. The Council shall not grant any privilege for the opening of any barroom, saloon, concert saloon or dance hall, except upon the written consent of a majority of the *bona fide* householders or property holders within 300 feet, measured along the street fronts, of the pro-

Barrooms,
concert sa-
loons, etc.
majority of
property
owners to
consent to the
establishment
of.

posed location of such barroom, saloon, concert saloon or dance hall, and it shall revoke any privilege on the petition of a like number of such persons, any prior license or privilege to the contrary, notwithstanding.

V.—EXECUTIVE DEPARTMENT.

Executive department. SEC. 22. The executive powers of this corporation shall be vested in one Mayor, one Comptroller, one Treasurer, one Commissioner of Public Works, one Commissioner of Police and Public Buildings and one City Engineer.

Election and appointment of officers, this State and of the United States, and residents of this city for five years prior to their election or appointment. These officers shall be at least thirty years old, citizens of this State and of the United States, and residents of this city for five years prior to their election or appointment. The Mayor, Treasurer and Comptroller shall be elected by the people of New Orleans for the term of four years: the Commissioner of Public Works, Commissioner of Police and Public Buildings and the City Engineer shall be appointed by the Mayor as hereinafter provided.

Election of Mayor and other elective officers. SEC. 23. As soon as the new Council is organized it shall compile the votes for Mayor and other elective city officers from the returns of the Commissioners of Election, and at once proclaim the result of the popular vote. They shall be incompetent to perform any other business until that be done. The president of the Council shall administer to them the oath of office, and no commission from the Governor shall be necessary.

Providing for the compilation of votes cast for. SEC. 24. In all cases when the Mayor or other officer

Signatures of officials. is required by this act to sign any account, warrant, order, check, document or other instrument, such signing shall be made in his own proper handwriting, and in no case shall such officer use a stamp, or types, or any engraved instrument for that purpose; nor shall they authorize a clerk or deputy to sign in their stead, except as hereinafter provided.

Chief deputy or clerk of departments. SEC. 25. The chief deputy or clerk of each department shall furnish a bond in favor of the Mayor and his suc-

To furnish successors in office for such amount as shall be fixed by the act ad interim. Council, and in case of suspension, absence, resignation or death of any executive officer the chief clerk or

deputy of such officer shall continue in office and perform the duties of such executive officer until another be elected or appointed and qualifies; and for the defaults and malfeasance in office of such clerk or deputy during his administration of such office he and his sureties shall be liable.

SEC. 26. The Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, City Attorney and City Engineer shall have the right to seats on the floor of the Council under such rules as the Council may adopt; and such rules they are required to make. They shall have the right to discuss and debate all matters pertaining to their respective departments, but shall not participate further in the proceedings of the Council than here provided.

Officers of city.
right to seats
on floor of
Council. To
discuss and
debate on
matters per-
taining to
their depart-
ments.

MAYOR.

SEC. 27. The Mayor shall be elected by a plurality of votes cast at the municipal election held pursuant to law. He shall keep his office at the City Hall, and shall have a seal to be called the seal of the city of New Orleans, which shall be affixed to all proper official acts of the corporation; he shall sign all contracts in behalf of the city, and no contract shall be complete until so signed; he shall see that all the laws and ordinances within the limits of the city of New Orleans be executed and enforced; he shall be *ex officio* justice and conservator of the peace; he shall have the right to appoint and remove such officers as may be hereinafter designated; and he shall have the right to debate upon the floor of the Council and participate fully in all proceedings thereof; he shall call meetings of the Council whenever he shall deem proper, or whenever five members thereof shall request him in writing so to do; he shall monthly lay before the Council a full statement of the condition of affairs of the city; it shall be his duty to report to the Council all officers and persons employed by the city who fail to perform their duty, or commit any act for which they are liable to impeachment or removal.

Qualification
and duties of
mayor.

Meetings of
council, how
called.

To report all
officers and
employees of
the city fail-
ing to per-
form their
duty.

from office, and may in his discretion suspend such person until the action of the Council, to whom he shall report such suspension at their first meeting thereafter; and should the Mayor neglect or refuse to so report he

To consult with executive officers, and to shall be guilty of nonfeasance and liable to removal; it shall be his duty to call together the executive officers require reports from and heads of departments for consultation and advice same.

upon the affairs of the city at least once a month, and at such meetings he may call on such officers and heads of departments for such reports relating to the subject matters under their control as he may deem proper, and it shall be their duty to prepare and submit same to him at once; he shall be responsible for the proper conduct

Responsible for the conduct of the officers of the several departments appointed by him, and may to this end remove from office any power of removal. such officer or employee, and he shall serve his reasons therefor in writing on such officer, and transmit a copy thereof to the Council, to be spread upon its minutes; he shall receive an annual salary of \$6000,

Salary. payable monthly on his own warrant, but he shall receive no fees or other emoluments of any kind, under any pretence whatever, on pain of removal, and he shall render daily account and pay into the treasury all sums which he may receive for the use of the city from any source.

Ordinances and SEC. 28. All ordinances and resolutions, except as resolutions. Mayor to approve and publish same hereinafter provided by Sec. 86, after having been passed by the Council, shall be transmitted to the Mayor

Veto. for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But, if the Mayor shall disapprove of any ordinances or resolutions transmitted to him as aforesaid,

Pocket veto. he shall, within five days from the time he received it, return the same to the Council with his objections in writing, and if two-thirds of the members elect shall adhere to said ordinance or resolution, notwithstanding said objection, then, and not otherwise, the said ordinance or resolution shall, after publication thereof, have the force of law; the failure to return an ordinance with his

veto, within five days, if the Council be in session, or to the next session of the Council, after five days, shall have the same effect as a veto. Any ordinance making appropriation or fixing the number and salaries of employees may be approved in part or vetoed as to specific items mentioned by the Mayor in his veto message.

What ordinances may be approved in part.

SEC. 29. It shall be the duty of the Mayor to publish ^{Official journal} all ordinances and resolutions passed by the Council, and it shall be the duty of the Clerk of the Council to publish the proceedings of the Council; the whole in a newspaper published daily in New Orleans (and which shall have been in existence as a daily paper for one year previous to the contract), the proprietors of which shall offer to publish said proceedings at the ^{How selected, and qualifications necessary.} lowest price, at public auction, after one week's notice, and give good security for the faithful performance of the work. Such offering shall be made at least every ^{Term of contract limited.} two years, and no contract shall be made for a longer period.

Ordinances and proceedings of council to be published therein

COMPTROLLER.

SEC. 30. The Comptroller shall have a general super-^{Comptroller, duties of.} intendance of the fiscal affairs of the corporation. He shall prescribe the mode and manner of keeping the corporation books and accounts in every department entrusted with the receipt and expenditure of money, and said books and accounts and the rolls and books kept by the Assessors shall be at all times subject to the inspection of the Comptroller, the Treasurer and the chairman of the Finance Committee of the Council. The Comptroller shall examine and audit all claims and ^{To audit all claims against city.} demands against or in favor of the corporation, and all accounts for the collection of the revenue shall originate in his office. No money shall be received by the Treasurer or any other officer from any source whatever, except on a written order, receipt or other document signed by the Comptroller, and no money shall be paid out of the treasury unless authorized by an ordinance or resolution of the Council, and on a warrant signed by the Comptroller. All accounts or bills for the collection of

To issue warrant for receipt or payment of all money.

Treasurer to receive for all accounts to be compiroller. revenue shall be divided in classes corresponding with the different sources from which said revenue is drawn, and the accounts or bills of each class shall be numbered from one upward, and said accounts or bills, when delivered to the Treasurer, shall be charged to said Treasurer on the books of the Comptroller as cash received by the Treasurer, to be accounted for by him. The Comptroller shall not warrant upon the Treas-

To examine all accounts before warranting on treasurer. urer for the payment of any bill, requisition, claim, pay roll or demand of whatever nature unless same has been first certified in writing as correct and due by the officer or board by whom, or under whose authority, the same was contracted, and also by the chairman of the Finance Committee of the Council, and until he shall have carefully examined and computed such claim. Any officer,

Penalty for falsely certifying to ruptly or wilfully certify any claim as correct or due, or against city. warrant for same, knowing same to be incorrect or not justly due, shall be guilty of a misdemeanor and punishable by a fine not less than five hundred dollars or more than one thousand dollars, and shall furthermore be removed from office. If any claimant is indebted to

To deduct indebtedness of matured from claimants of city. said city, the Comptroller shall deduct such indebtedness, if mature, from the amount due said claimant, and shall so certify to the Treasurer. The Comptroller shall

Vouchers, to retain. retain in his hands, as his vouchers, all bills, requisitions, pay rolls and other evidences of claims and demands so certified and warranted, and shall register same in regular order in a book kept for that purpose.

When any person, other than such a claimant, is indebted to the city, the Comptroller shall place same in the hands of the City Attorney for collection, and shall take his receipt therefor. The Comptroller shall keep a

Accounts. full set of books in which all the fiscal operations of the corporation shall be recorded. He shall, in every month

Report, to be submitted in detail to the Council monthly. of each year, lay before the Council and the Mayor a report of the receipts and expenditures during the past month, giving not only the various items of receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, the amount

thereof, the number of warrant and the date of the resolution or ordinance authorizing the expenditure. He shall, also, in the months of January and July of each year, lay before the Council and the Mayor a report giving not only the various items of said receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, the amount thereof, the number of the warrants and the date of the resolution authorizing the expenditure. The report shall also embrace a statement of the indebtedness of the city, showing in detail all outstanding obligations, their date, amount, to whom and for what issued, when due, and under what resolution or ordinance authorized. It shall also contain estimates to be made by the Commissioner of Public Works and chairman of the Finance Committee of the Council of the receipts and expenditures for the current six months; said report, in a condensed form, shall be published in book form; and he shall generally, in addition to the duties herein enumerated, perform all such other duties as the Council shall prescribe. He shall, before entering on the duties of his office, give bond to the amount of fifty thousand dollars, and with such sureties as shall be approved by the Council for the faithful performance of his duties, and he shall receive for his services, as a salary, four thousand five hundred dollars per year.

TREASURER.

SEC. 31. The Treasurer shall receive and safely keep all moneys, bills receivable, dues and assets belonging to the city. He shall deposit same daily in such bank or banks as the Council shall elect *viva voce*, paying the highest rate of interest therefor consistent with the safety of such deposits. Such bank or banks shall give bond equal to estimated average deposits to secure the city against all loss. All interest on such deposits shall belong to the city. He shall pay on the warrants of the Comptroller, and by checks drawn to order and countersigned by said Comptroller and the Mayor, or in case of said Comptroller or Mayor's absence or sickness,

Treasurer,
Duties of.
To deposit
daily.
Depository—
qualifications,
etc.
Checks, how
drawn and
countersigned.

countersigned by said Comptroller's chief clerk and the president *pro tem.* of the Council, all claims against the city which the Council may authorize, and in no case shall the Treasurer pay any claim whatever against the city except in the manner set forth. He shall keep a check book, in which the daily deposit of money made by him shall fully appear, and he shall each day deduct therefrom the amount of the checks drawn by him, so that the balance in bank in favor of the city shall at all times appear upon the margin of said check book. The

*Check book
to be daily bal-
anced.*

To require receipt for all payments.

The Treasurer shall take a receipt from each person in whose favor he draws a check upon the money of the city, deposited as above set forth, which receipt shall fully and clearly state the consideration for which the check received for was given.

*To balance
weekly with
Comptroller.*

Accounts, etc., to be open to inspection of certain officers.

The Treasurer shall balance his check book, bank book, cash book and accounts with the Comptroller weekly, and he shall cancel each week, and in presence of the Finance Committee of the Council and the Mayor, all warrants and evidences of claims against the city which shall have been paid by him, and all books kept by him, including his check book, bank book, cash book and all return checks and warrants and evidences of claims against the city paid by him, and all receipts taken by him shall be at all times subject to inspection of the Comptroller, Finance Committee of the Council and the Mayor.

*Reports to
Comptroller
and Council.*

He shall furnish the Comptroller with a daily report in writing of the receipts and expenditures and all the fiscal transactions of his office, and he shall lay before the Council and furnish to the Mayor at each regular meeting of said Council a detailed report of the same, which shall be published; and generally he shall perform all such duties as may be imposed on him by said Council.

Bond of. He shall, before entering upon the duties of his office, give bond to the amount of fifty thousand dollars, with such sureties as shall be approved by the Council for the faithful performance of his duties, and shall receive for his services an annual

Salary. salary of three thousand five hundred dollars.

COMMISSIONER OF PUBLIC WORKS.

SEC. 32. The Commissioner of Public Works shall be appointed by the Mayor, by and with the consent of the Council, and may be removed by him at pleasure on serving him with his reasons in writing, for such removal, and on transmitting a copy thereof to the Council to be spread on its minutes; he shall be a practising civil engineer of good standing and reputation. The Commissioner of Public Works shall have general charge and superintendence of all matters relating to water works, railroads, levees, weights and measures, manufactures, streets, sidewalks, pavements and wharves; the construction, cleansing and repair of the same; the construction and repair of bridges and drainage and hygiene of the city in so far as the same may be compatible with the laws and duties of the Board of Health and shall be vested with and perform such other functions as may be prescribed by said Council. He shall report to the Mayor, in detail, the working of his department; he shall cause to be made from time to time, and at least quarterly, a detailed statement to be submitted to the Council, stating the condition of the streets, from curb to curb, including the bottoms and grade of the gutters along which tracks are laid or railroads cross or pass; also the condition of the bridges, wings and crossings, whether the same be of iron or wood; also whether the grade of such railroad tracks, bridges and crossings are level with the surface of the street, also whether the natural drainage of any gutter is impeded by bridges or culverts over which said tracks are laid, being too low or high, or for want of iron cross pieces being used for bridges in lieu of wood, or whether such natural drainage is impeded for want of bottoms in bridges or whether such bottoms of bridges required to be lowered or raised. He shall, before entering upon the duties of his office give bond in the sum of twenty-five thousand dollars, with good and solvent security, as shall be approved by the Council, conditioned for the faithful performance of his duties. He shall receive an annual salary of four thousand dollars.

Commissioner of Public Works, appointment, qualifications and removal of.
Duties of.
Reports of.
Bond of.
Salary.

COMMISSIONER OF POLICE AND PUBLIC BUILDINGS.

~~Commissioner of Police and Public Buildings, appointment and removal of.~~ SEC. 33. The Commissioner of Police and Public Buildings shall be appointed and may be removed in the same manner as the Commissioner of Public Works.

Duties of.

The Commissioner of Police and Public Buildings shall, so far as the Council may have authority, have in charge the Houses of Refuge and Correction, Pounds and Cemeteries, and shall be vested with and perform such other functions and duties as may be prescribed by the Council; provided, that no authority or duty herein conferred or imposed upon said department, or upon the Council, shall conflict with or impair any of the powers,

~~Public institutions, in charge of.~~ duties and rights conferred by this act upon the Mayor; he shall have general superintendence of the school houses, markets, slaughterhouses, prison and police stations and jails, workhouse, asylums, hospitals and all courts and public buildings, except the City Hall, which shall be under the control of the Mayor and the

~~Fire and Police Telegraph, appointments in.~~ several executive officers. He shall appoint subject to and in accordance with the rules and regulations prescribed by the Board of Civil Service Commissioners, a Superintendent of Fire Alarm and Police Telegraph, who shall be a competent electrician, at a salary of eighteen hundred dollars a year; also such telegraph operators, linemen, battery-men and messengers, at such salaries as the Council may designate; he shall be vested with and perform such other functions and duties as may be prescribed by the Council; he shall report to the Mayor, monthly, the full details and workings of his department; he shall, before entering upon the duties of his office, in addition to the oath required, give bond in the sum of twenty-five thousand dollars, with good and solvent surety, as shall be approved by the Council, conditioned for the faithful discharge of his duties;

Bond of.

~~Salary.~~ he shall receive an annual salary of three thousand five hundred dollars, payable monthly.

CITY ENGINEER.

SEC. 34. The Mayor shall appoint, by and with the consent of the Council, a civil engineer, in good standing, who shall have practised his profession for at least five years prior to his appointment as City Engineer. He may be removed by him in the same manner as is provided in case of the Commissioner of Public Works. The City Engineer shall receive an annual fee of four thousand dollars; he shall furnish the Council and the proper authorities of the city, when so ordered, with all the plans and estimates and other information appertaining to his department which such Council or executive officers may require. He shall superintend the construction of all public works, and report after the completion of the same the manner in which the works have been executed, and shall perform such other duties as the Council may direct. He shall give all lines and grades for all sidewalks, streets, railroads and other works authorized by the Council, for which services no charge shall be made. He shall establish and keep up to date a platted record, in book form, on a suitable scale, of the subdivision of each and every block in the city, as far as is practicable from the information in his possession and from the reports made to him by the deputy surveyors of their transactions.

SEC. 35. There shall be appointed by the City Engineer, under and in accordance with the rules and regulations prescribed by the Board of Civil Service Commissioners, not more than seven deputy surveyors, skilled in their profession. They shall furnish bond with sureties satisfactory to the Council in the sum of five thousand dollars, to guarantee the faithful performance of their duties. They shall keep an office within the districts to be designated by the City Engineer, but shall have authority to make surveys anywhere within the corporate limits; the compensation of deputy surveyors on all surveys in amount exceeding five dollars is hereby fixed at a rate of two cents per running foot, to be paid by the persons

*City Engineer,
appointment,
removal and
qualification of.*

*Fee or salary
of.*

*To furnish
plans, etc.*

*To superin-
tend construc-
tion of all pub-
lic work.*

*Lines and
grades to be
furnished by.*

*Records, to
be kept by.*

*Deputy sur-
veyors, ap-
pointment and
qualification of.*

Bond of.

Offices of.

Fees of.

who shall employ them to give surveys of their prop-

~~Property owners to notify the deputy surveyor of their district of all new subdivisions of their properties made by them, under a penalty of fifty dollars for each neglect to do so, and all lines for such subdivision shall be given by the deputy surveyor.~~

~~Penalty for failure.~~

~~Duty of and penalty. The deputy surveyors shall, immediately after its execution, furnish the City Engineer with a full and complete copy of any survey made by them under a penalty of fifty dollars for each neglect to do~~

~~any person to lay any sidewalk, railroad or other improvement without lines from City Engineer. and the removal from office. It shall be unlawful, under a penalty of fifty dollars for each and every offence, for any person or persons to lay any sidewalks, street railroad or other improvement upon the streets, sidewalks, public ways or grounds of the city~~

~~until the lines and levels thereof have been furnished by the City Engineer, and the deputy surveyors shall not give such lines or levels unless by special instruc-~~

~~Private surveys prohibited by City Engineer and employees of his office. The City Engineer and the employees of his office are prohibited from making private surveys.~~

CITY ATTORNEY.

~~City Attorney. SEC. 36. The Mayor shall appoint, by and with the consent of the Council, a duly licensed lawyer of good standing who has practised his profession for at least five years prior to his appointment, as City Attorney, and may remove him from office in the same manner as is pro-~~

~~vided in the case of the Commissioner of Public Works. Legal adviser of corporation. The City Attorney shall be the legal adviser of the corporation on all matters in which his advice may be necessary, and shall represent such corporation in all judicial proceedings, suits, actions and contestations in which it~~

~~Contracts, to examine and approve before completion of. may have an interest; all contracts to be made with the city or any of its departments shall be submitted to him before execution for his examination, and he shall endorse on each his approval of the form thereof before the same shall be finally signed by the parties thereto, and he shall be the custodian of all such papers and records as may be designated, and perform such other~~

duties pertaining to his department as may be required by law or ordinance. He shall receive a salary of six thousand dollars a year, but no extra compensation or fee shall be allowed, and no attorney shall in any case be appointed to assist him unless by the vote of two-thirds of the members of the Council present at any meeting. He shall have the appointment, with power of dismissal at pleasure, of all assistant counsel that the Council may allow him. The City Attorney shall not be permitted to engage in any private practice; and he shall hold office for six years unless sooner removed, as above provided.

Salary of.
Assistant coun-
sel, how ap-
pointed.

Assistant city
attorneys, how
appointed.

Private prac-
tice prohibited.

CITY NOTARY.

SEC. 37. The Mayor shall appoint, by and with the consent of the Council, a duly commissioned and practising notary public of this parish as City Notary, and may remove him from office in the same manner as is provided in the case of the Commissioner of Public Works. All contracts, agreements, acts of sale or purchase, and all authentic acts to which the city of New Orleans may be a party, or have any interest therein, shall be prepared by the City Notary and submitted by him, before execution, to the City Attorney for his approval, and if so approved shall be then executed before said City Notary. His compensation shall be the fees prescribed by law, and the same shall be paid by the party so contracting with the city of New Orleans; that upon the promulgation of all resolutions, approvals, the adjudication of contracts or sales or purchase, said City Notary shall notify the contractors or the parties thereof, and if the contractors and sureties fail to execute and sign their contract and bond within ten days thereafter, the City Notary shall thereupon inform the head of the department to which said contract pertains of such failure; and said City Notary shall furnish the head of the department to which any contract so entered into pertains, as well as to the City Engineer, a copy of each and every such act or contract to which the city of New Orleans is a party, which copies shall be preserved.

City Notary,
appointment,
qualification
and removal of.

To submit
draft of all acts
to City Attor-
ney for approv-
al.

Fees.

To notify
contractors
and sureties to
sign.

Copies of con-
tracts to be fur-
nished to the
heads of de-
partment to
which contract
pertains, and
fixing the fees
of copies to
other persons.

and bound by said officers for reference, and shall form part of the archives of said office. The City Notary shall provide other parties applying for same copies of contracts at a cost not to exceed three dollars per copy.

VI.—BOARDS AND COMMISSIONS.

SEC. 38. In addition to the Board of Police Commissioners, created by Act 63 of 1888, and the Board of Fire Commissioners, created by Act 83 of 1894, there shall be a Board of Civil Service Commissioners.

BOARD OF CIVIL SERVICE COMMISSIONERS.

Civil Service Commission, appointment or. SEC. 39. The Mayor, by and with the consent of the Council, shall appoint three discreet persons who shall be known and shall constitute the Board of Civil Service Commissioners. They shall hold office for twelve years, unless sooner removed. They shall be at least thirty years old, citizens of the United States and of the State for ten years, and residents of the city of New Orleans for five years prior to their appointment, and they shall each receive an annual salary, payable monthly, of three thousand dollars, and shall be men of good repute and education. No person shall be eligible for such appointment who has been a candidate for or incumbent of a municipal office in this State within four years prior to his appointment, nor shall such officer during his incumbency be a candidate or applicant for or hold any State, national, parochial or municipal office, nor be a member of or delegate to any municipal political committee or convention, nor shall such officer be eligible for any office under the government of the city of New Orleans within four years after his incumbency for any reason shall cease. And it shall be the duty of the Mayor to take cognizance of any violations of these prohibitions and forthwith remove such commissioner and appoint his successor; transmitting in detail his reason in writing to the Council for such action. The Mayor shall remove any commissioner for malfeasance, non-feasance, gross misconduct, habitual intoxication, partiality and favoritism in office, transmitting to the Council, *Term of office, qualifications and salary of.* *Eligibility to hold office.* *Removal, manner of.*

cil at its first meeting thereafter, to be spread on its minutes, his reason in detail for his action.

SEC. 40. Of the members of the first board created by section 39 one shall be appointed for four, one for eight, and one for twelve years; thereafter all appointments, except to fill unexpired terms, shall be for twelve years; vacancies shall be filled by the Mayor by and with the advice and consent of the Council.

SEC. 41. The board shall have the right to appoint one chief examiner, who shall be *ex-officio* secretary of the board, at an annual salary of three thousand dollars, payable monthly; one assistant examiner at a salary of eighteen hundred dollars per annum, payable monthly, and two clerks at annual salaries of one thousand dollars, payable monthly; and such other clerks as the Council may from time to time allow. These persons shall hold office at the pleasure of the board.

SEC. 42. Said commissioners shall, as soon after their appointment as possible, classify all the offices and places of employment in this city, except only such offices and places to which appointment or election is otherwise expressly provided for by this act, with reference to the examinations hereinafter provided for. Such offices and places so classified shall constitute the classified civil service, and no appointment shall be made to any of such offices or places by any officer, board or body, except under and in accordance with the rules hereinafter mentioned.

SEC. 43. Said commissioners shall, after their appointment, make rules for examinations, appointments and removals, in accordance with the provisions of this act relating to the Board of Civil Service Commissioners, and they may, from time to time, amend or change same. Such rules, so made, shall be published and distributed, and go into operation in not less than ten days from date of publication, and the date upon which same shall be operative shall be specified.

SEC. 44. All applicants for offices or places in said classified service shall be subjected to examination, ^{Examinations to be free and competitive} which shall be public, competitive and free to all

citizens of New Orleans, with specified limitations as to residence, age, health, habits and moral character.

To be practical. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The board shall control all examinations; and may, whenever an

Religious and political ques- tions prohibit ed. **Manner of conducting examinations.** examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service it shall be a part of their official duty, without extra compensation, to conduct such examinations as the board may direct, and to make return or report thereof to said board, and the board may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the board may themselves, at any time, act as such examiners and without appointing examiners.

Date and place of exam. ination to be published. SEC. 45. Notice of the time and place and general scope of every examination shall be given by the board by publication for two weeks preceding such examination, in a daily newspaper of general circulation, published in such city, and such notice shall also be posted by said board in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the board shall prescribe.

To prepare register and record of suc- cessful candi- dates. SEC. 46. From the returns or reports of the examiners, or from the examinations made by the board, the board shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such board, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

SEC. 47. The board shall, by its rules, provide for <sup>Promotions in
classified service.</sup> promotions in such classified service, on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examinations; and it shall be the duty of the board to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination, and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointment.

SEC. 48. The head of the department of office in which a position classified under this act is to be filled shall notify said board of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that in cases of laborers, where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. The appointing officer shall notify said board of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said board therefor, which appointment shall be on probation for a period to be fixed by said rules. Said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said board, discharge him upon assigning in writing his reason therefor to said board. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business; or to meet extraordinary exigencies, the head of any department or office may, with the written approval of the board,

<sup>Appointments
to classified
service, how
made.</sup>

^{Probation.}

<sup>Limit of time
of successful
candidates.</sup>

<sup>Final appoint-
ment.</sup>

<sup>Heads of de-
partments may
make tempo-
rary appoint-
ments in ex-
igencies.</sup>

make temporary appointment, to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this act can be made.

~~Employees in classified service not to be removed except for cause and after said examination shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defence. Such charges shall be investigated by or before said Board of Investigations.~~ SEC. 49. No officer or employee in the classified civil service who shall have been appointed under said rules removed except for cause, upon written charges and after an opportunity to be heard in his own defence. Such charges shall be investigated by or before said Board of Civil Service Commissioners, or by or before some officer or board appointed by said board to conduct such investigation. The finding and decision of such board or investigating officer or board, when appointed by said Board of Civil Service Commissioners, shall be certified to the appointing officer and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges, each member

~~Authority to produce persons and papers.~~ SEC. 50. Immediate notice in writing shall be given to the appointing power to said board of all appointments, promotions, resignations to be immediately permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said board. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said board.

~~Exceptions.~~ SEC. 51. The board shall investigate the enforcement

~~Appointments, transfers, promotions, resignations to be immediately permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said board. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said board.~~

of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in this city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

SEC. 52. The board shall make an annual report to the Council showing its actions, the rules in force and the practical effect thereof. The Mayor may require further reports at any time he deems best.

SEC. 53. The Mayor shall provide suitable rooms for the use of the board, and it shall be the duty of all officers to aid said board to carry out the provisions of this act. The Council shall appropriate a sufficient sum of money each year to fully carry out the purpose for which the board is created.

SEC. 54. No person or officer shall wilfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly make any false representation concerning the same, or concerning the person examined, or wilfully or corruptly furnish to any person any special secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed; employed or promoted.

SEC. 55. No officer or employee of this city shall solicit directly or indirectly or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any political party or purpose whatever.

SEC. 56. No officer or employee of such city shall discharge or degrade or promote or in any manner change

Power of
Board to in-
quire into mat-
ters pertaining
to classified
service.

Annual re-
port.

Mayor to pro-
vide office.

Council to
provide appro-
priation.

Information
to candidate
for examination
or corruptly
marking result
of examination
prohibited.

Officers and
employees pro-
hibited from
soliciting, re-
ceiving or pay-
ing assessment
for political
purposes.

Employees ex-
empt from dis-
charge for re-

fusing to con- the official rank or compensation of any officer or em-
tribute money or other val- ployee, or promise or threaten to do so; for giving or
able thing to political par- withholding, or neglecting to make any contribution of
ties.

money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

Applicants for appointment not to pay or promise to pay for appointment or promotion.

SEC. 57. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever, for or on account of his appointment or proposed appointment, and no officer or employee shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

Applicants for appointment not to ask or receive recommendations or assistance in examination.

SEC. 58. No applicant for appointment or promotion in said classified civil service shall ask or receive a recommendation or assistance from any officer or employee in said service, or of any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

Officers of city government seeking nomination not to use office or promise to use authority or influence to aid persons in securing positions or promotion.

SEC. 59. No person, while holding any office in the government of such city, or in nomination for or while seeking a nomination for or appointment to any such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person, in securing any office or public employment, or any nomination, confirmation, promotion or increase of salary; upon the consideration or condition that the vote or political influence, or action of the last named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Comptroller prohibited from allowing claims for services in violation of provision of act.

SEC. 60. The Comptroller shall allow no claim for services of any person employed in the public service in violation of the provisions of this act. And for this purpose the board shall certify to the Comptroller all

appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the board under the provisions of section 49 of this act, in effect that a person shall be discharged from the classified civil service.

SEC. 61. Any person who shall be served with a sub-
poena to appear and testify, or to produce books and
papers, issued by the board or by any Commissioner, or
by any board or person acting under the orders of the
board, in the course of an investigation conducted either
under the provisions of section 49 or section 51 of this act,
and who have refused or neglected to appear or to testify,
or to produce books and papers relevant to such investi-
gation, as commanded in such subpœna, shall be guilty
of a misdemeanor, and shall, on conviction, be punished
as provided in section 62 of this act. Every person
who, having taken an oath or made affirmation before
said board or a commissioner or officer appointed by the
board and authorized to administer oath, shall swear or
affirm wilfully, corruptly and falsely, shall be guilty of
perjury, and, upon conviction, shall be punished ac-
cordingly.

SEC. 62. Any person who shall wilfully violate any of the provisions of section 39 to section 61, inclusive, of this act, or any rule promulgated by the Board of Civil Service Commissioners, in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the parish prison for a term not exceeding six months.

SEC. 63. If any person shall be convicted under the next preceding section, any public office, or place of pub-
lic employment which such person may hold, shall, by
force of such conviction, be rendered vacant, and such
person shall be incapable of holding any office or place
of public employment for a period of ten years from the
date of such conviction.

SEC. 64. Prosecutions for violations of this act shall

*Failure to at-
tend or pro-
duce books
and papers
when ordered
by Commis-
sion declared
a misde-
meanor.*

*Falsely swear-
ing declared
perjury.*

*Penalty for vio-
lating provi-
sions of act.*

*Conviction, to
render office
vacant.*

~~District Attorney to prosecute.~~ be instituted by the District Attorney for the parish of Orleans at the request of the Board of Civil Service Commissioners.

~~Council to provide appropriation to organize this department.~~ SEC. 65. Immediately upon this act becoming law it shall be the duty of the City Council to budget and appropriate a sum of not less than three thousand dollars, to be expended under the direction and control of said board for the purpose of properly organizing this department and in employing such experts as may be necessary to properly classify and systematize the offices and places of employment in this city and the formulation of proper rules in accordance with the provisions of this act. It

~~Mayor to appoint commissioners within 60 days.~~ shall be the duty of the Mayor, within sixty days after this act shall become a law, to appoint such Civil Service Commissioners, whose term of office shall commence from the date upon which they are appointed.

BOARD OF POLICE COMMISSIONERS.

~~Board of Police Commissioners.~~ SEC. 66. The powers and duties of the Board of Police Commissioners shall remain as now prescribed by law, except that all appointments and promotions to positions in the police force (except that of Superintendent) shall be made in accordance with and subject to the provisions of sections 39 to 64, inclusive, and to the rules and regulations prescribed by the Board of Civil Service Commissioners; in all other respects the authority of said Police Board shall remain unimpaired.

BOARD OF FIRE COMMISSIONERS.

~~Board of Fire Commissioners.~~ SEC. 67. The powers and duties of the Board of Fire Commissioners shall remain as now prescribed by law, except that all appointments and promotions to positions in the fire force (except that of Chief Engineer) shall be in accordance with and subject to the provisions of Secs. 39 to 64, inclusive, and to the rules and regulations prescribed by the Board of Civil Service Commissioners; in all other respects the authority of said board shall remain undisturbed.

VII. RECORDERS' COURTS.

SEC. 68. There shall be four police courts in this city, ^{Recorders' Courts, number of provided and jurisdiction of Courts.} to be known as the First, Second, Third and Fourth Recorders' Courts. The First Recorder's Court shall have jurisdiction of that territory known as the First and Fourth Municipal Districts; the Second Recorder's Court of the Second and Third Municipal Districts; the Third Recorder's Court of the Sixth and Seventh Municipal Districts, and the Fourth Recorder's Court of the Fifth Municipal District.

SEC. 69. The Recorders shall be elected by the ^{Recorders.} qualified electors of the city of New Orleans at the same time as the Mayor and other municipal officers; they shall be at least twenty-five years old, and shall ^{Election and qualifications of.} have the same qualifications required for judges of the city courts of New Orleans, and shall be residents of the districts over which they have jurisdiction. The ^{Salary of Recorders and employees.} First and Second Recorders shall receive a salary of three thousand dollars per annum, and shall be allowed each one clerk at fifteen hundred dollars a year; two assistant clerks at one thousand dollars a year, and one testimony clerk, who shall be a competent stenographer, at twelve hundred dollars a year. Third and Fourth Recorders shall each receive a salary of two thousand dollars a year, and shall be allowed one clerk at a salary of twelve hundred dollars a year, and one testimony clerk, who shall be a competent stenographer, at one thousand dollars a year. Said clerks shall be appointed by the Recorders and removed by them at pleasure.

SEC. 70. It shall be the duty of the testimony clerks ^{Duties of testimony clerks.} of such courts to take down verbatim reports of all testimony and examinations in all cases where the offence is cognizable in the Criminal District Court, or appealable to the Supreme Court, and cause same to be signed by the witness and certified by the Recorder, whose duty it shall be to forward same to the Criminal District Court.

SEC. 71. The Council shall provide suitable rooms, ^{Council to provide suitable rooms, etc.} furniture and stationery for said courts, and the Board

~~Board of Po. of Police Commissioners shall detail, subject to such
Police Commissioners to detail rules as it may adopt, four policemen to the First and
tail officers to Second Recorders' Courts, and two policemen to the
Courts. Third and Fourth Recorders' Courts, to keep order and
execute the orders and decrees of the Recorders.~~

~~Removal of
Recorders.~~ SEC. 72. The Recorders shall be removed for any of
the causes enumerated in Art. 196 of the Constitution,
in the manner provided in Art. 201 of the Constitution.

~~Jurisdiction
of recorders.~~ SEC. 73. Recorders shall have the jurisdiction of com-
mitting magistrates, and to enforce all valid city ordi-
nances, and to try, sentence and punish all persons who
violate same. They and their clerks shall have power to
administer oaths, and the Recorders shall have power
to compel witnesses to appear and testify, and to pun-
ish for contempt; provided such contempt be committed
in open court and punishment thereof shall not exceed
twenty-five dollars fine or twenty-four hours in jail.

~~Fines, penal-
ties, etc.~~ SEC. 74. All fines, penalties or forfeiture imposed by
Recorders shall be collected by them, and by them paid
daily to the City Treasurer; to this end the Treasurer
shall furnish to each Recorder a printed receipt book,
with marginal stubs, and the Recorder shall give a re-
ceipt from said book to the person paying same for every
fine or penalty collected, stating therein the amount of
the fine or penalty, the date, from whom collected, the
name of the person fined, and for what offence, and
shall make corresponding entries on the stub thereof.
No person except the Recorder shall be allowed to receive
payment of a fine or penalty, or give a receipt therefor;
nor shall any fine be remitted or released save in open
court, and entry thereof shall be made on the minutes
of the court, and due record shall be made thereof by
the Recorder in his return to the Treasurer. Said re-
ceipt books and stubs shall always be open for public
inspection. Should any recorder fail, neglect or refuse
to comply with the provisions of this section, he shall
be guilty of a misdemeanor and be punished by a fine
not exceeding five hundred dollars, or by imprisonment
not exceeding six months, and shall be liable to removal
from office.

SEC. 75. The Council shall, within one week after its organization, elect *viva voce* four persons, having the same qualifications as the Recorders, to act as Recorders *pro tem.* in case of the sickness, inability, absence, suspension or removal of a Recorder, and they shall receive, while so acting, the salary payable to such Recorder, same to be deducted from the salary payable to such Recorder.

VIII.—VACANCIES.

SEC. 76. Whenever a vacancy shall occur by reason of the death, resignation or otherwise in the office of Mayor, it shall be the duty of the president of the Council to act as Mayor during the unexpired term, and, in case of the sickness, temporary absence or inability of the Mayor, the president shall act as Mayor *pro tempore.*

SEC. 77. When a vacancy shall occur by death or otherwise in the office of Comptroller or Treasurer it shall be the duty of the Council to elect a citizen having the proper qualifications, not a member of the Council, to the position thus vacant, to hold office for the unexpired term.

SEC. 78. Whenever a vacancy shall occur in any office by the death or otherwise of the officer appointed by the Mayor, or elected by the Council, the Mayor shall appoint, or the Council shall elect, as the case may be, a successor to serve the unexpired term.

SEC. 79. Vacancies occurring in the office of Council-men or Recorder shall be filled by election *viva voce* by the Council of a citizen having the qualifications required for such office, and such person shall serve for the unexpired term of office.

IX.—IMPEACHMENT AND REMOVAL.

SEC. 80. The Mayor, Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, Recorders, City Engineer, City Notary and City Attorney shall be removable, in addition to the causes provided for in this act, for malfeasance in office, gross neglect of duty or disability affecting

the fitness of the occupant to fill and discharge the duties of the position.

Committee on Public Order to conduct impeachment proceedings. SEC. 81. There shall be among the standing committees of the Council a committee of five members to be styled "the Committee of Public Order," which committee shall be charged with the duty of conducting the impeachment of said officers of the city, and pending such impeachment and until the final disposition thereof, the party impeached shall not exercise any of the functions of his office.

Court of impeachment. SEC. 82. The Council, excepting the five members of the Committee of Public Order, shall have full power to try all impeachments, and when sitting for that purpose, as a court of impeachment, the members thereof shall be on oath or affirmation. The Mayor shall preside over said court, except when on trial, in which case the president of the Council shall preside.

Order of proceeding by court of impeachment. SEC. 83. Upon the preferring of articles of impeachment by the Committee of Public Order, or by any six members of the Council, or of twenty citizens, or by the Mayor, the accused shall be placed on trial within thirty days from the notification of said charges to the party impeached, and no person shall be convicted without a vote therefor of ten members of said Council. The Mayor shall not have the right to vote in the final judgment.

Judgment. SEC. 84. Judgments, in cases of impeachment, shall not extend further than removal from office and disqualification from holding any office under the City Charter; but the party convicted shall be liable to indictment, trial and imprisonment, according to law.

Power of Council to remove by a two-thirds vote. SEC. 85. That in addition to the power of removal by way of impeachment the Council shall have power to remove at any time from office any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the members elected to said Council shall vote in favor of said resolution.

X.—FRANCHISES.

SEC. 86. Every ordinance, resolution or order granting a franchise to any person or corporation, after having been introduced in, considered and passed by the Council in the manner provided for other ordinances, shall be published in full in the official journal for two weeks, and thereafter shall be transmitted to the Mayor, whose duty it shall be to cause the Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings and City Engineer to publicly assemble in the Council chamber to consider and pass upon such ordinance, resolution or order, and they, or any four of them, may approve, amend or reject the same, but no such ordinance, resolution or order so amended shall be considered finally passed until any and all amendments shall have been concurred in by a vote of a majority of the members elected to the Council, as shown by the ayes and nays called and recorded; or unless such amendments be withdrawn or modified, after conference, by a vote of four such officers and concurred in by a majority of the Council elected, as shown by the ayes and nays called and recorded. Thereafter such ordinances, resolutions or orders so passed shall be transmitted to the Mayor for his consideration, and if same meets with his approval he shall sign and publish same, and it shall have the effect of law. But if he disapprove of same he shall, within five days of the time he receives same, return same to the Council and to such officers so assembled, with his objections in writing, and if two-thirds of the members elected to the Council and four of such officers shall adhere to such ordinance, resolution or order, notwithstanding said objection, then, and not otherwise, said ordinance, resolution or order shall, after publication, have the form of law. For the purpose of considering all such matters the Mayor shall assemble said officers at sufficiently frequent stated periods, and they may grant hearings on such occasions to persons interested. In case the Mayor shall fail to return said ordinance, resolution or order within five days, or at

~~Franchises.~~

Providing manner of adoption of ordinances granting franchises to persons or corporations, and further, providing for the consultation by the Mayor with other executive officers.

the next session of the Council after five days, such failure shall operate as a veto.

~~Franchises for lighting streets or disposal of sewerage or garbage or other valuable and large contracts affecting public health or comfort, or for the operation of any street or belt railroad, except after three months' publication in the official journal of the terms and specifications of said franchise, and after same has been adjudicated by the Comptroller as provided in Sec.~~

~~Street and belt road franchises to be sold to persons offering highest percentage of gross earnings.~~

SEC. 87. No franchise shall hereafter be granted, renewed, extended or disposed of for lighting streets or public places, or disposal of sewerage or garbage, or any large and valuable franchise similarly affecting the public health or comfort, or for the operation of any street or belt railroad, except after three months' publication in the official journal of the terms and specifications of said franchise, and after same has been adjudicated by the Comptroller as provided in Sec.

~~Street and belt road franchises to be sold to persons offering highest percentage of gross earnings.~~

116 of this act to the highest bidder; provided, that no street railroad or belt railroad franchise shall be sold except to the person, corporation or corporations offering the highest percentage of gross annual receipts to be derived from such franchise during the term thereof, and said percentage shall be estimated on the gross annual income derived from such franchise after deducting only all taxes paid by such person or corporation to the city and State by reason of the ownership or operation of said franchise.

~~Officers of corporation to present to Comptroller annual statement of gross earnings of president or secretary of company.~~

SEC. 88. In order to ascertain the amount due the city by such grantee or assigns, such person, or if it be a corporation the president, or in his default the vice president or secretary, annually on the 1st day of November, in each and every year, shall make to the Comptroller statement under oath, showing the gross income derived from such franchise, giving in detail the items and sources thereof, and also showing the deductions claimed for taxes actually assessed and paid. And the Comptroller, or clerk, or clerks, or experts designated by him shall have free access to all of the books, papers and documents of such person or corporation for the purpose of computing and verifying said statement and ascertaining the amount due the city.

~~Penalty for making false entries in books made, or assets to any false entry in the books of any with intent to defraud city, or corporation, firm or person operating a street railroad refusing to exhibit books and or belt railroad, with intent to defraud the city or deprive it wholly or in part of any sum justly due it, or documents to Comptroller.~~

SEC. 89. Any person who shall make or cause to be made, or assets to any false entry in the books of any corporation, firm or person operating a street railroad, with intent to defraud the city or deprive it wholly or in part of any sum justly due it, or

shall refuse to exhibit books, papers and documents when called upon to do so by the Comptroller, or his designated clerk or clerks, or shall wilfully omit any item of income from books, shall be punished by a fine of five hundred dollars, or by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 90. Whoever shall falsely make oath to the verity and correctness of any statement required by Sec. 88 of this act, or shall counsel, assist or abet any person to make false oath to such statement, shall be guilty of perjury and punished as provided by law.

SEC. 91. The sum due the city for its percentage of gross income as aforesaid, shall be due and exigible on the first day of November of each year, and shall be secured by a first privilege upon all of the property of the aforesaid person, firm or corporation, and if not paid within ten days of that date it shall be the duty of the Comptroller to have recorded in the Mortgage Office his certificate showing the amount thereof, and such recordation shall operate as a first privilege on all the property used in the operation of such franchise, and shall rank all other mortgages and privileges regardless of the date of their recordation, except taxes due to the city and State, and such sum shall bear interest at the rate of 2 per cent. per month from November 1 until paid. And if said amount be still due and unpaid on January 1 next ensuing, the Comptroller shall cause the said property to be advertised for thirty days and shall sell same to the highest bidder for cash, and should said sale not realize sufficient to pay the amount due to the city said franchise shall without further act be deemed and held forfeited to the city, which shall have the right to again dispose of same as provided in section 87, to any other person or corporation.

XI.—REVENUES AND EXPENDITURES.

SEC. 92. That the Council of the city of New Orleans shall, for the purposes of this act, once at the first regular meeting in the month of December, and not

*Penalty for
making false
oath.*

*Date when
percentage of
city shall be
due.*

*To be secured
by first mort-
gage privi-
lege on prop-
erty of cor-
poration or
person.*

*Comptroller to
record same
in Mortgage
Office.*

*Penalty for de-
linquency.*

*Proceedings
for collection.*

*Taxes, when
Council shall
levy.*

oftener, in each and every year, levy an annual and uniform tax upon all property in said city, as prescribed and under the limitations imposed in this act, for the **When due and payable.** ensuing year, which said taxes shall be due and payable at the office of the Treasurer, under such regulations as the Comptroller may establish, from the first day of

When delinquent. June to the first day of August, inclusive, at the expiration of said date, first day of August, said taxes shall

Penalty. become delinquent; there shall be and is hereby imposed an interest penalty of 10 per cent. per annum on the amount of the tax due, which shall be collected by the city, together with and in the same manner as the

Licenses. Council to impose. tax; and at its first regular meeting in December, and on the same day annually thereafter, shall impose an annual license tax on trades, professions and callings as herein prescribed; said licenses to expire on the 31st **When payable.** day of December, in the year in which they were obtained, and which license tax shall be due and payable at the office of the Treasurer, from the first day of January to the 28th day of February, inclusive.

Budget.

Estimated statement of receipts and expenditures to be published for ten days. SEC. 93. That the Council shall, once in twelve months, before fixing and deciding upon the amount of taxes and licenses to be assessed for the ensuing year, cause to be made out a detailed estimate, exhibiting the requisite amount for all expenses during said year, and shall cause the same to be published for at least ten days, in the official journal of the city, and such rate of taxation as provided by law, on every hundred dollars of valuation, shall thereafter be fixed and assessed as, together with other revenues of the city, may be necessary to meet said estimated liabilities and expenditures.

Comptroller or Treasurer prohibited from paying, until adoption of appropriation. The adoption of said detailed estimates shall be considered as the appropriation of the amount therein stated, ranking or for the purpose therein stated, and the Comptroller shall not audit nor shall the Treasurer draw or sign any checks upon the fiscal agent therefor, of any claims unless an appropriation therefor has been duly made in accordance with this act.

SEC. 94. The Council, in fixing the budget of revenue

and expenses, as herein provided for, shall not consider and adopt as a revenue, miscellaneous or contingent resources, and affix thereto either arbitrary or nominal value or amount; but whenever such resources are considered and adopted they shall be estimated on a real and substantial basis, giving the source whence to be derived, a specific sum to be received from each item thereof and no more. The Council is hereby prohibited from estimating for expenditures to be derived from any uncertain or indefinite source, cause or circumstance; but the Council shall, by proper ordinances, provide for the receipt and disbursement of any sums of money, interests, rights or credits that may accrue to the corporation, by behest, grant or any cause whatever; and all such sums, rights, interests or credits so received shall be and are hereby appropriated for the purpose of the public works and improvements, the manner and details of such appropriations to be ordered by the Council.

Council not to consider miscellaneous or contingent resources in budget of receipts.

Revenues to be reserved for the public works and improvements.

SEC. 95. The Council shall not, under any pretext Reserve Fund. whatever appropriate any funds for the government of the corporation to the full extent of the estimated revenues, but shall reserve 20 per cent. of said estimated revenues, which reserve, and all sums, rights, interest and credits received from miscellaneous or contingent sources, shall be appropriated by the Council, for the purpose of public improvements, as herein provided for.

Limit of appropriations.

SEC. 96. That all the real and personal property in the city of New Orleans, whether owned by individuals or corporations, shall, for the purposes of this act, be liable to taxation, subject only to the exemptions in the Constitution of this State; the terms of real estate as Real estate. used in this act shall be construed to include land and all buildings, machinery and structures of every kind, erected upon or affixed to the same, all immovable property, whether so by nature or destination; the term personal property shall be construed to include all household furniture, moneys, jewelry and plated goods or wares, goods, chattels, incomes, debts from solvent debtors, whether on account, contract, note, due bill, bond['] mortgage, certificate sale, stock or share of stock

Property subject to taxation.

Personal property.

Income. in any incorporated bank, railroad or other institutions, certificate, or any other obligations, public stock, all stocks, moneyed or otherwise, and general property which is not real and known to the law of the State as movable; the term income shall be construed to include all moneys, salaries, wages, pay, commissions, brokerage and fees received in compensation for labor and services rendered, all revenues and dividends received upon stocks in moneyed corporations not already taxed.

XII.—PUBLIC IMPROVEMENTS.

Paving unpaved streets or banquettes. SEC. 97. Whenever one-fourth of the owners of real property fronting on any unpaved or unbanquatted street in the city of New Orleans shall, by petition signed by the petitioner or petitioners, and addressed to the Council of said city, asking for the paving or ban-

How petition of property owners shall be presented and published. quetting of said street or any portion thereof, setting forth the character or quality of said pavement or of said banqueting, said Council shall have said petition published in English in the official journal of said city for **Protests, when and how considered.** and during four weeks, once in each week, and if at the expiration of said publication so made of said petition a majority of the owners of real property fronting on said streets or said portions thereof shall not, by memorial signed by memorialist or memorialists and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said paving or said banqueting so petitioned for to be made, in accordance with section 116 of this act.

Cost of paving streets. The cost of said paving shall be borne, three fourths by owner or owners of real property fronting on said pavement in case of ordinary streets and two-thirds in case of neutral ground streets in equal proportions according to the running foot front, and the cost of one-fourth or one-third, as the case may be, of said pavement in front of private property and whole of intersections shall be borne by the city. The property portion to constitute a first privilege superior to vendor's

Banqueting, cost of to be paid by property owners. lien or any other privilege or mortgage. The whole cost of banqueting to be borne by real estate fronting

on said banquette in equal proportions. Upon the ^{Terms, when}
 petition of real estate owners asking that payments be ^{so} ~~for~~
 provided for their portion of cost in one, two and three
 equal instalments the Council may advertise for bids
 upon said terms, and contract for said paving, say one-
 third payable in cash and balance in one and two years,
 and providing that six per cent. interest be paid on
 such deferred payments, and that the lien on such
 property shall remain in force for the amount due for
 principal and interest till final payment is made; pro-
 vided, that nothing herein shall be construed as affecting
 act 75, approved March 30, 1876, as to the paving of
 neutral grounds, or streets adjacent to the levee, or
 other parts of said statute not inconsistent with this act.

SEC. 98. Whenever one-fourth of the owners of real property, fronting on any paved or banqueted streets of this city, shall by petition signed by the petitioner or petitioners, and addressed to the Council of said city, ask for new paving or a new banqueting of said street, or of any portion thereof, of a character different from the then existing pavement or banquettes of said street, or of said portion thereof, and setting forth in said petition the character and quality of said new pavement, or of said new banqueting, the Council shall cause said petition to be published in the manner set forth in the above section, and if, at the expiration of said publication so made of said petition, a majority of the owners of said real property fronting on said street, or on said portion thereof, shall not by petition or otherwise signed by the petitioner or petitioners, and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said new pavement or said new banqueting so petitioned for to be made in accordance with section 116 of this act; the whole cost of said new pavement or of said new banqueting, so made as aforesaid, shall be borne by the owner or owners of said real property fronting on said new pavement or said new banquettes, in equal proportions, according to the running front foot, cost of intersections to be paid by city.

Change of pavements.

How and in what manner same shall be considered.

Cost of, to be borne by the property owners.

Opening and straightening of streets. SEC. 99. That whenever one-fourth of the owners of real property, situated in the city of New Orleans, shall

Manner of procedure. by petition signed by petitioner or petitioners and addressed to the Council of said city, ask for the opening or straightening of a street or streets through their property and through other property adjacent thereto, setting forth in said petition the length, width and direction of said street or streets, together with the description of said adjacent real property and the names of the owners thereof, said Council shall, if it deems the same for the public benefit, cause said petition to be published as provided in Sec. 97, and if at the expiration of said publication so made of said petition, a majority of the owners of said other adjacent property shall not, by petition signed by the petitioners and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said street or streets so petitioned for to be opened, widened or straightened, under and in accordance with existing laws, and the whole cost of said opening, widening and straightening of said street or streets, so made as aforesaid, shall be borne by the owners of

Petitions for the property benefited by the same; provided, that no petition for opening, widening or straightening streets shall be presented to the Council during the months of July, August and September.

Cost of publication of petitions. SEC. 100. All cost of publication of petitions, as required by sections 97, 98 and 99 of this act, shall be

Majority of property owners defined. paid by the signers of the same, and the majority of owners within meaning of sections 97, 98 and 99 of this act shall be construed to be the owner or owners of a majority of running feet of real property fronting on the street or portion of street to be paved, banquetteed, or new paved or new banquetteed in accordance with sections 97 and 98 of this act, and further, the majority of owners, within the meaning of section 99 of this act, shall be construed to be owner or owners of a majority in assessed value of the property to be affected by the opening, widening or straightening of a street or streets in accordance with section 99 of this act.

SEC. 101. All paved or unpaved streets and unpaved banquettes in the city of New Orleans shall be kept in repair by said city, and all paved banquettes in said city shall be kept in repair by the owners of real property fronting thereon.

SEC. 102. The City Council of New Orleans may, in its discretion, provide for the paving of any street, or portion thereof, at the expense of the whole city, or may force, impose and collect of the front proprietors of lots fronting on said street or streets, a special assessment in proportion to frontage of three-quarters of the cost of said improvement in case of ordinary streets, and two-thirds the cost thereof in case of neutral ground streets, and such local assessments shall have a first privilege superior to vendor's lien and privilege and over all other privileges. The other one-fourth or one-third, as the case may be, in addition to intersections, to be paid by the city.

SEC. 103. The Council may, in its discretion, provide for the paving of any banquette or sidewalk, seven-eighths of the whole cost including intersections, to be paid for by the front proprietors in proportion to the frontage owned by such, upon completion of the paving, and the remaining one-eighth to be paid for by the city. The cost of said banquette or sidewalk shall have a first privilege, superior to vendor's lien and privilege, and over all other privileges and mortgages on the property fronting on said sidewalk.

SEC. 104. A two-thirds vote of the City Council shall be necessary to pass any paving or banqueting ordinance falling within the provisions of the two preceding sections, and whenever the Council shall deem it necessary to take such action notice of said intention shall be published in the official journal once a week for four weeks, no further notice being required; provided, a majority of the property holders, in number and measurement, on the street or sidewalk, or part thereof, sought to be paved or banqueted, shall have the right to designate the particular kind of banquette or pavement and material to be used in banqueting or paving,

*Repairs of
streets and ban-
quettes.*

*Right of
Council to pave
streets.*

*Right of
Council to pave
banquettes.*

*Two-third vote
of Council
necessary un-
der Secs. 102
and 103.*

*Nature of in-
tention to be
published.*

*Majority of
property own-
ers may desig-
nate particular
kind of pave-
ment or ban-
queting within
sixty days.*

Terms.

by petitioning the Council therefor, within sixty days after the expiration of the four weeks' publication above provided for. Whenever the Council exercises the powers vested in it by this and the two preceding sections, it shall in all cases provide that the property holders' proportion of the cost of paving shall be paid on terms not less favorable than one-third cash, and the balance in one and two years; and the certificates issued by the City Engineer for the paving or banqueting shall bear six per cent. interest per annum from date until paid; provided that the right is reserved to property owners to pay cash in full at any time.

Comptroller to address written notice to property owners of intention to pave street. SEC. 105. In all cases where it is proposed to pave any street, whether upon the petition of the property owners or in the discretion of the Council, it shall be the duty of the Comptroller to address a written notice to all property holders upon said street, who appear to be such by the last completed assessment roll; said notice shall state that it is proposed to pave the street and to levy upon the front proprietor an assessment to pay his proper proportion of the cost thereof, and it shall be sufficient to mail said notices addressed to the property holder, city of New Orleans, without designation of street or number; this provision, however, is merely directory, and the failure to send such notice by the Comptroller shall not invalidate any paving ordinance, resolution or contract; but should the Comptroller fail to send any such notices he shall be deemed guilty of nonfeasance in office and liable to removal.

Failure of Comptroller to send notices. The Comptroller shall keep in his office a proper record of the mailing of such notices.

XIII.—MISCELLANEOUS PROVISIONS.**Ineligibility of members of Council.**

SEC. 106. No member of the City Council shall hold any other employment or office under the government of the city of New Orleans while he is a member of said Council; and no member of the Council or any other officer or employee of the corporation shall be directly or indirectly interested in any work, business or contract, or the profits which might be derived therefrom,

the expense, price or consideration of which is paid from the City Treasury, or by any assessment levied by any ordinance or resolution of the Council, nor shall be surety for any person having a contract, work or business with said city or any of its departments for the performance of which security may be required, nor shall be surety for any officer or employee under this corporation.

SEC. 107. All the officers and members of the city government are required and commanded to attend personally to the duties of their office, and are prohibited from absenting themselves from the city of New Orleans unless by due permission of the Council, previously granted, for reasonable causes stated and approved. They shall keep their office open from nine o'clock in ^{Absence of officers and members of city government without permission of Council prohibited.} Office hours. the morning until four o'clock in the evening, and shall require their employees and clerks to be and remain there during those hours.

SEC. 108. No person shall hold more than one office of profit in any department, and no person shall hold any office of profit under this city government while holding any other office of profit or trust under the United States, or State of Louisiana, except in the militia, or that of notary public. ^{Officers prohibited from holding more than one office.}

SEC. 109. No officer or employee under this government shall receive or share in any present, fee, gift or emolument for official services rendered, or to be rendered, other than his regular salary or pay, and for violation of this provision such officer or employee shall be liable to removal or dismissal by the proper authorities. ^{Officers and employees prohibited from receiving presents, fees, gift or emoluments.}

SEC. 110. No officer or employee shall be a member of or delegate to any political committee or convention; any violation of this provision shall work a forfeiture of his office, and it shall be the duty of the proper authorities to remove or dismiss him. ^{Officers and employees prohibited as members or delegates to political committees or conventions.}

SEC. 111. That on the first of January and July of each and every year each head of departments of the city government shall lay before the Council an estimate of the supplies and materials (within the limitations of the appropriation made in the budget for his department) ^{Estimates for materials and supplies.}

~~Heads of De- parts to furnish Comp. Six months, and the City Council shall approve or troller at stated periods.~~ that may be needed in his department during the current modify, in its discretion, said estimates, and shall thereupon direct the Comptroller to advertise and adjudicate the contract to furnish said supplies and materials, or so much thereof as may be needed, to the lowest bidder, as provided in section 116 of this act.

~~Wharves and landings and lease or sale of city property.~~ SEC. 112. That the City Council shall have no power to make or renew, or extend any lease of the wharves or landings, or any lease or sale of city property except

~~How same shall be entered into.~~ after not less than thirty days' advertisement and free competition and adjudication thereof by the Comptroller to the highest or lowest bidder, as the case may be, according as the specifications of said lease or sale may require.

~~Surplus funds, Council pro- hibited from making con- tract, except when funds are in City Treasury.~~ SEC. 113. That the City Council be and is hereby prohibited from making any contract with reference to or payable out of any appropriation of the surplus fund of any year, except to the extent that such surplus fund shall exist in cash in the City Treasury at the time of the making of said contract or appropriation.

~~Contracts for amounts be- tween \$250 and \$500.~~ SEC. 114. All contracts involving more than two hundred and fifty and less than five hundred dollars in amount shall be in writing, signed and executed in the name of the city by the head of the appropriate department and approved in writing by the Mayor and a majority of the executive officers before same shall be binding upon the city.

~~Sealed pro- posals, Comp. troller to care- fully guard.~~ SEC. 115. In all cases in which sealed proposals are provided for in this act it shall be the duty of the Comptroller to carefully guard the same, and it is

~~Penalty for tampering with.~~ hereby made a misdemeanor, punishable by fine of not less than two hundred and fifty dollars, or imprisonment of not less than three months, or both, for any person to break or tamper with the seals of said sealed proposals, or open the same except in the manner and at the time provided by law.

~~Contracts in excess of \$500— How same shall be award- ed.~~ SEC. 116. All contracts for public works, or for materials and supplies, ordered by the Council, exceeding five hundred dollars in amount, shall be offered by the

Comptroller by public auction, after ten days' advertisement, and given to the lowest bidder, who can furnish security satisfactory to the Council; or same shall, at the discretion of the Council, be advertised for proposals to be delivered to the Comptroller in writing, sealed, and to be opened by the Comptroller in the presence of the Finance Committee of said Council, and given to the person making the lowest proposal therefor, who can furnish security satisfactory to the Council; provided, that the Council shall have the right in either case to reject any and all bids or proposals; provided further, that in cases of grave emergency the heads of the various departments may, with written consent of the Mayor, make bills for supplies or materials, but in all such cases an immediate report in writing of the making of such bill shall be made by the head of such department to the Mayor, setting forth the reason of his action, which report shall be laid by the Mayor before the Council, and shall receive the approval of that body before the bill shall be paid.

SEC. 117. Any judicial proceedings where by law, bond and sureties are required from litigants, the city of New Orleans shall be dispensed from furnishing bond and security.

SEC. 118. Whenever an action is brought against the city on a claim on which the city would have a right of action over against another person or corporation, either upon a contract, bond or other obligation of whatever nature, the city may in its answer to such action require such person or corporation to be made co-defendants therein; and if such right of action on the part of the city over against such person or corporation is upon a bond or contract with sureties, the city may also require the sureties on such bond to be made co-defendants, in which case it shall attach a copy of such bond or contract to its answer, and thereupon such co-defendants may make any defence to such claim that the city may make, and shall be liable to pay the judgment, if any, rendered against the city and said co-defendants, or any of them; and shall be primarily liable on such judg-

Actions
against city,
where city
has a right of
action against
another person
or corporation.

Said person
or corporation
to be made co-
defendant in
suit.

ments; but if the city shall at any time pay the whole or any part of such judgment it shall thereupon, to the extent of such payment, have and be subrogated to all the rights and remedies against such co-defendants upon such judgments as the plaintiffs have.

Contractors prohibited from allowing rebates or deduction to property holders. SEC. 119. No person or corporation engaged in doing any street or banquette paving or other public work, under any contract, agreement or stipulation with the

city of New Orleans or any department thereof, the cost, price or consideration of which is to be wholly or partially paid by local assessment on any property holder, or front proprietor, shall make, allow, or give, or promise, or agree to make, allow or give any rebate, deduction, gift or present, or any other valuable consideration whereby the actual sum due by said property holder, as his proportion, shall be in any way reduced or diminished, unless the same deduction or allowance shall be made to all persons liable for any part of such assessment, and to the city of New Orleans; and proof of any such discrimination against the city, or any such person liable to the assessment, shall be a complete and valid defence as against such persons or corporations, heirs or assigns doing such work, in any suit or action brought to enforce the same, or in any suit or action to recover the value of such work either against the city or any property holder thus discriminated against.

Property of the city. SEC. 120. That all the rights, title and interests of the city of New Orleans as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, walks, markets, stalls, levees, landing places, buildings and other property of whatever description and wherever situated, with all goods, papers, moneys, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions, rights of action, books, accounts and vouchers, be and they are hereby vested in the city of New Orleans as incorporated by this act.

Mississippi river. SEC. 121. Whenever the word river is used in this act the Mississippi river is meant; and where a name of a street is used as a boundary the middle of the street is to be taken as the boundary.

XIV.—SCHEDULE.

SEC. 122. This act shall take effect in all respects after due promulgation as provided by law; except that the various municipal officers and Councilmen elected at the general election held April 21, 1896, shall continue in office until the expiration of the term for which they were elected, and until their successors are duly qualified.

SEC. 123. Should the constitutional restriction limiting the salary of municipal officers of New Orleans to thirty-five hundred dollars be not removed before this act takes effect, then, and until such restriction be removed, the several officers under this charter whose salaries exceed said constitutional limit shall receive each the salary of thirty-five hundred dollars per annum; otherwise, and as soon as same shall be removed, they shall receive the salaries herein mentioned; provided, that until such restriction be removed the City Attorney may engage in private practice if the same does not interfere with the orderly administration of his official duties.

SEC. 124. The first election under this charter shall be held on the Tuesday next following the third Monday in April, 1900 (unless the Legislature shall hereafter designate some other time, in which case it shall be held at that time), and elections shall be held every four years thereafter on the Tuesday next following the third Monday in April.

SEC. 125. All laws or parts of laws in conflict or inconsistent herewith are hereby repealed.

S. P. HENRY,
Speaker of the House of Representatives.

R. H. SNYDER,
Lieutenant Governor and President of the Senate.

Approved July 7, 1896:

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy:
JOHN T. MICHEL,
Secretary of State.

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